UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:06CV64-3-V (5:03CR37-8-V)

TONI GWYNETT JONES,)	
Petitioner,)	
v.)	ORDER
UNITED STATES OF AMERICA)	
Respondent.))	
)	

THIS MATTER is before this Court upon a Petition's Motion to Vacate (Document No. 1), filed May 22, 2006 and Respondent's Motion to Dismiss, (Document No. 7), filed on August 28, 2006.

After careful review of the Respondent's Motion to Dismiss, this Court finds that the United States may be entitled to a summary dismissal of the instant Petition as a matter of law.

PETITIONER JONES READ THIS:

You now have the opportunity to reply to the Respondent's Motion. You may <u>not</u> allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original <u>Habeas</u> Petition and/or those set forth in the Respondent's Motion to Dismiss.

You are further advised that you have thirty (30) days from the filing of this Order in which to file your reply in opposition to the Respondent's Motion to Dismiss. **FAILURE TO RESPOND**

WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Petitioner has thirty (30) days from the filing of this Order in which to provide a response to the Respondent's Motion to Dismiss.

SO ORDERED.

Signed: August 30, 2006

Richard L. Voorhees United States District Judge